DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Office of Public Health and Science

Office for Human Research Protections
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January 20, 2004

Randy P. Juhl, Ph.D.
Vice Chancellor for Research
Conduct and Compliance
University of Pittsburgh
132 Cathedral of Learning
Pittsburgh, Pennsylvania 15260

RE: Human Research Subject Protections Under Multiple Project Assurance (MPA) M-1259

Research Project: Prospective, Randomized, Multi-Center Trial of Pulmonary Artery Catheter (PAC) vs. Central Venous Catheter (CVC) for Management of Acute Lung Injury (ALI) and Acute Respiratory Distress Syndrome (ARDS) and Prospective, Randomized, Multi-Center Trial of 'Fluid Conservative' vs. 'Fluid Liberal' Management of Acute Lung Injury (ALI) and Acute Respiratory Distress Syndrome (ARDS) (FACTT Trial)
Principal Investigators: Michael Donahoe, M.D., and Peter Linden, M.D.

Dear Dr. Juhl:

The Office for Human Research Protections (OHRP) has reviewed the University of Pittsburgh's (UP) August 18 and September 29, 2003 and January 5, 2004 reports responding to determinations of noncompliance with Department of Health and Human Services (HHS) regulations for the protection of human subjects involving the above-referenced research.

Based upon its review, OHRP finds that UP has implemented the required actions stipulated by OHRP's July 25, 2003 letter. In particular, OHRP acknowledges the following:

(1) The UP Institutional Review Board (IRB) received the additional supplemental information and the revised model informed consent document for the FACTT trial, and has subsequently re-reviewed and approved the research.

(2) UP has provided OHRP with a copy of the final version of the IRB-approved informed consent document.

(3) UP has implemented a variety of procedures including creating a Checklist Used by IRB for Review of Proposals, as well as adding a section Jurisdiction, Structure, and Responsibilities of the Institutional Review Board and the Research Protocol Format and

Requirements to the IRB reference manual, which help ensure that the UP IRBs receive sufficient information to make all determinations required under HHS regulations at 45 CFR 46.111. In addition, the checklist used by IRB for review of proposals, the section Informed Consent Process and Document - Requirements and Format in the IRB reference manual, and an IRB e-mail Bulletin titled Requirements of the Informed Consent Process help ensure that the UP IRBs approve an informed consent process that satisfies all requirements of HHS regulations at 45 CFR 46.116.

OHRP finds that the above corrective actions adequately address OHRP's findings and are appropriate under the UP MPA. As a result, OHRP anticipates no need for further involvement with UP related to this matter.

OHRP appreciates the commitment of UP to the protection of human subjects. Do not hesitate to contact us should you have any questions.

Sincerely,

Kristina Borror, Ph.D.
Director
Division of Compliance Oversight

Michael A. Carome, M.D.
Associate Director for Regulatory Affairs
Office for Human Research Protections

cc: Dr. Philip Troen, Chair, IRBs, UP
Mr. Dennis Swanson, UP
Dr. Michael Donahoe, Principal Investigator, FACTT Trial, UP
Dr. Peter Lindent, Principal Investigator, FACTT Trial, UP
Dr. B. Taylor Thompson, ARDS Network Coordinating Center Principal Investigator, Massachusetts General Hospital
Dr. Arthur Wheeler, FACTT Trial Committee Chair, Vanderbilt University
Dr. Gordon R. Bernard, Chairman, ARDS Steering Committee, Vanderbilt University
Dr. Herbert P. Wiedemann, FACTT Trial Committee Chair, Cleveland Clinic Foundation
Dr. James Kiley, Director, Division of Lung Diseases, NHLBI
Dr. Lana Skirboll, Director, Office of Science Policy, NIH
Dr. David Lepay, Director, Good Clinical Practices Program, FDA
Ms. Melinda Hill, OHRP
Ms. Patricia El-Hinnawy, OHRP